

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re : Chapter 11
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WYTHE BERRY FEE OWNER LLC, : Case No. 22-11340 (MG)
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Debtor. :
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**NOTICE OF AUCTION FOR THE POTENTIAL
SALE OF THE WV COMPLEX FREE AND CLEAR OF
ANY AND ALL CLAIMS, INTERESTS, AND ENCUMBRANCES**

PLEASE TAKE NOTICE that the above-captioned Debtor and Debtor in possession (the “Debtor”) is soliciting offers for the purchase of The WV Hotel, office, retail, and parking located at 55 Wythe Avenue, Brooklyn, New York (together, the “**WV Complex**”) consistent with the Bid Procedures (the “**Bid Procedures**”)² approved by the United States Bankruptcy Court for the Southern District of New York (the “**Court**”) by entry of an order on December 8, 2022 [Docket No. 220] (the “**Bid Procedures Order**”). **All interested bidders should carefully read the Bid Procedures and Bid Procedures Order.** To the extent that there are any inconsistencies between this notice and the Bid Procedures or the Bid Procedures Order, the Bid Procedures or the Bid Procedures Order, as applicable, shall govern in all respects.

PLEASE TAKE FURTHER NOTICE that the Final Bid Deadline for the WV Complex is **February 13, 2024, at 4:00 p.m. (prevailing Eastern Time)**, and that any person or entity that wishes to participate in an Auction must comply with the participation requirements, bid requirements, and other requirements set forth in the Bid Procedures.

PLEASE TAKE FURTHER NOTICE that, the Debtor may conduct an Auction for the WV Complex, at which time they will consider proposals submitted to the Debtor and its professionals, by and pursuant to the Bid Procedures as set forth in the Bid Procedures Order, on **February 20, 2024 at 10:00 a.m. (prevailing Eastern Time)**, at the offices of Herrick, Feinstein LLP, 2 Park Avenue, New York, NY 10016.

PLEASE TAKE FURTHER NOTICE that, the Debtor expects to seek approval of the Sale of the WV Complex at the Plan Confirmation Hearing, which is presently scheduled to commence on **March 12, 2024, at 10:00 a.m. (prevailing Eastern Time)**, or as soon thereafter as counsel may be heard, before the Honorable Martin Glenn, United States Bankruptcy Court for the Southern District of New York.

PLEASE TAKE FURTHER NOTICE that, except as otherwise set forth in the Bid Procedures Order with respect to objections to proposed cure amounts or the assumption and

assignment of Assigned Contracts, objections, if any, to a proposed Sale **must**: (a) be in writing; (b) conform to the applicable provisions of the Bankruptcy Rules and the Local Rules; (c) state with particularity the legal and factual basis for the objection and the specific grounds therefor; and (d) be filed with the Court by **March 5, 2024, at 4:00 p.m. (prevailing Eastern Time)**.

CONSEQUENCES OF FAILING TO TIMELY MAKE AN OBJECTION

ANY PARTY OR ENTITY THAT FAILS TO TIMELY MAKE AN OBJECTION TO A SALE ON OR BEFORE THE SALE OBJECTION DEADLINE IN ACCORDANCE WITH THE BID PROCEDURES ORDER SHALL BE FOREVER BARRED FROM ASSERTING ANY OBJECTION TO SUCH SALE.

PLEASE TAKE FURTHER NOTICE that the Debtor reserves the right, subject to the Bid Procedures, in its reasonable business judgment and subject to the exercise of its fiduciary duties, to modify the Bid Procedures and/or to terminate discussions with any Potential Bidders at any time, to the extent not materially inconsistent with the Bid Procedures.

PLEASE TAKE FURTHER NOTICE that copies of the Bid Procedures Motion, Bid Procedures, and Bid Procedures Order, as well as all related exhibits, are available care of the Debtor's counsel, Herrick, Feinstein LLP, 2 Park Ave, New York, NY 10016, Attn.: Rodger T. Quigley (rquigley@herrick.com).